



Roll Call Number

25-1646

Agenda Item Number

53-I(B)

Date December 8, 2025

**RESOLUTION AUTHORIZING THE APPROVAL AND EXECUTION OF AND DELIVERY OF
THE AMENDED AND RESTATED OPERATING CONTRACT FOR THE DES MOINES
METROPOLITAN WASTEWATER RECLAMATION AUTHORITY**

WHEREAS, the Des Moines Metropolitan Wastewater Reclamation Authority is an Iowa Code Chapters 28E/28F entity established and operating under the Second Amended and Restated WRA Agreement, as Amended, with the City of Des Moines serving as its Operating Contractor under an Operating Contract established thereunder (the “Initial Operating Contract”); and

WHEREAS, the WRA Board established an Organizational Assessment Committee for purposes of developing proposed amendments to the Second Amended and Restated WRA Agreement, as Amended, and proposed amendments to the Initial Operating Contract; and

WHEREAS, the Organization Assessment Committee, with the assistance of counsel retained by the WRA, and in consultation with the City of Des Moines, as Operating Contractor, have prepared an Amended and Restated Operating Contract that extends and modifies the Initial Operating Contract currently in effect (the “Amended and Restated Operating Contract”); and

WHEREAS, on October 21, 2025, the WRA Board approved the receipt and filing of preliminary draft forms of the Third Amended and Restated WRA Agreement and the Amended and Restated Operating Contract; and

WHEREAS, the Third Amended and Restated WRA Agreement and the Amended and Restated Operating Contract are each intended to be contingent upon the adoption of the other; and

WHEREAS, the Amended and Restated Operating Contract provides that the City will continue to be the Operating Contractor in charge of the WRA overseeing its core and integral services; and

WHEREAS, the Amended and Restated Operating Contract shall be effective January 1, 2026 as provided in Section 1.7 thereof, upon approval by the WRA Board at its December 2025 meeting and shall continue for slightly more than twelve (12) years, terminating on June 30, 2038; and

WHEREAS, the City Council of the City of Des Moines, Iowa has been presented with the proposed Amended and Restated Operating Contract, attached hereto, and has determined that the approval of the same is in the best interests of the City of Des Moines, Iowa and the residents thereof, in substantially the form presented, with such minor, additional changes as may be approved by the City Manager and City Attorney as necessary to finalize the agreement.



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Agenda Item Number

53-1(B)

Date December 8, 2025

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA:

Section 1. Definitions. All capitalized terms used in this resolution shall have the meanings given to them in the Third Amended and Restated WRA Agreement and the Amended and Restated Operating Contract.

Section 2. Approval of Amended and Restated Operating Contract. The form and content of the Amended and Restated Operating Contract, in substantially the form attached hereto, subject to such minor, additional changes by the City Manager and City Attorney as may be necessary to complete the same, is in all respects authorized, confirmed and approved, and the Mayor and City Clerk are hereby authorized, empowered and directed to execute, attest, seal and deliver the Agreement for and on behalf of the City of Des Moines, Iowa, and that from and after the execution and delivery of the Amended and Restated Operating Contract by the WRA Board, the foregoing officials are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Agreement, including any such certificates or documents as may be necessary or desirable in order to further evidence the authorization of the City of Des Moines, Iowa, with respect to approval of the Agreement. The approvals set forth in this Section are subject to and conditional and effective only upon the WRA Board approving the Amended and Restated Operating Contract in a form substantially similar to the attached proposed Amended and Restated Operating Contract by December 31, 2025.

Moved by Gatto to adopt. Second by Voss.

APPROVED AS TO FORM:

/s/ Jeffrey D. Lester
Jeffrey D. Lester, City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
MANDELBAUM	✓			
SIMONSON	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

Connie Boesen

Mayor

CERTIFICATE

I, Laura Baumgartner, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Laura Baumgartner

City Clerk